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State of Wyoming A&I Human Resources

# A&I HRD BULLETIN

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## Question From a State Agency?

Why is HRD doing individual “consultative” meetings with employees included in the HR Occupational Study? Your division has not done what used to be called “job audits” in the last five years. Why is this occupational study being treated differently? Will this information be used in the A&I plan to consolidate all human resources positions?



**Answer from HRD:** The process for the occupational review will be similar to what has been done since 2009 when the Hay structure was implemented. A consultative approach to this classification review is how this study is being handled. Lori Mischon and Erin Williams of the Agency Services Section have been conducting consultative meetings with 110 employees performing human resources, payroll and benefit functions.

Agency HR structures vary widely. In order to obtain the most accurate evaluation possible, individual meetings were held with each employee rather than a group of subject matter experts. Employees were interviewed with or without agency management present depending on the preference of the agency.

Additional meetings were held with agency HR management to learn about their positions as well as to solicit input regarding their structure and supervisory relationship. Employees were provided the opportunity to submit additional duties to Erin and Lori during the review process.

Extensive notes were taken regarding each position. These notes were compiled after the consultative meetings. A Hay evaluation is being completed for each position, and then a classification structure will be created from those reviews and evaluations.

In addition, a survey was sent to state human resources in the Central States Compensation group. HRD is reviewing other structures that were created utilizing the Hay system to ensure consistency for survey methodology. Only states with a central HR function and field agency positions similar to the State of Wyoming are being utilized.

With this information, as well as information compiled from employee JCQ’s and consultative meetings, the final step will be to develop a structure and send it to agency HR and their supervisors for a relativity review. With the information from the relativity review completed, the draft structure will be submitted to the HayGroup for final review. We anticipate getting information to the HayGroup in January.

If the HayGroup suggests additional changes to the structure, this information will be redistributed to agencies for comment. We hope to have our structure finalized and implement with an effective date of February 1, 2015, or no later than March 1, 2015.



## Congratulations and Farewell to Carol Powers

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Carol Powers, a long-time A&I HRD employee in both HR and Employees Group Insurance is leaving. She has recently been working in the agency HR Section of A&I. Carol has accepted a position in the Human Resources Office of the Sinclair Refinery in Sinclair, WY. She is a native of Hannah, so she will be moving closer to her family roots. We wish her great success in this new opportunity.

## Mark Your Calendar

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### Monday, January 5, 2015

**Advanced FLSA Training for HR Professionals**, Training to be presented by Kalen Fraser of The Labor Brain in Fort Collins. This is going to be a great opportunity for all agency human resources staff to learn from an expert outside of state government. Ms. Fraser was an investigator for the federal Department of Labor, and she has extensive knowledge of exempt and non-exempt issues. Training will be held from 1:30 p.m. to 4:00 p.m. which includes time for a break and networking. Room 1699 of the Herschler Building is reserved. Please contact Marlene Dunn or Kate Selby for the Google Spreadsheet registration link.

You may check out the website at [www.laborbrain.com](http://www.laborbrain.com)

### Monday, March 2, 2015

**The Hay System of Job Evaluation and State Compensation Overview for HR Professionals**, from 1:30pm to 4:00pm in Room 1699 of the Herschler Building.

### Monday, April 6, 2015

**Health Care Issues for HR Professionals**, from 1:30pm to 4:pm in Room B-63 of the Herschler Building. Ralph Hayes will be presenting information on big picture health care issues including medical tourism, the Leap Frog Group

**FYI** Registration links have not been established for the Job Evaluation/Compensation training on March 2<sup>nd</sup> or the Health Care Issues Training on April 6<sup>th</sup>. Registration information will be sent closer to the training dates.

## Information from the EEOC Denver

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### Recent Supreme Court Decision on FLSA question of overtime and security screenings.

Workers who are required to stay after normal hours on the job to undergo a security screening are not entitled to overtime pay while they wait for that process and then go through it, the Supreme Court ruled unanimously on Tuesday (Dec. 9th). The decision in *Integrity Staffing Solutions, Inc. v. Busk* overturned the one federal appeals court that had ruled in favor of workers in that scenario – an increasingly common practice in the workplace.

The overtime pay case involved workers at two warehouses in Nevada, which served as storage and order-filling facilities for the online retail giant Amazon.com. Two of Integrity's hourly workers sued the company after it began requiring all workers to go through screening before they left the premises, a policy designed to deter theft of goods. Initially, the U.S. Court of Appeals for the Ninth Circuit ruled that Integrity had to pay overtime for the screening process, concluding that this after-work review was a job requirement and was for the company's benefit.

Reversing that result, and reaching the same conclusion reached by all other federal appeals courts that had considered the issue, the Supreme Court declared that such screening procedures were not an "integral" part of the job. Integrity's staff at the warehouses, the Court said in an opinion by Justice Clarence Thomas, were hired to take products off the shelves and package them for shipment to Amazon's customers, not to go through security screenings. (Taken from Opinion analysis: No overtime pay for after-work security check, SCOTUSblog (Dec. 9, 2014) by Lyle Denniston)

### Wage and Hour Training.

The Workforce Services Labor Standards Division has recently signed a Memorandum of Understanding with the US Department of Labor to conduct joint training on wage and hour issues. We will share information with you on future training opportunities as they become available.

Attached here is general information titled “Referral Information for Victims of Employment Discrimination in Wyoming”. This is a very good reference listing contact numbers and websites for the EEOC in Denver and for the WY Department of Employment Labor Standards Division in Cheyenne. It also provides a brief summary of the federal laws they enforce.

## Referral Information for Victims of Employment Discrimination in Wyoming

U.S. Equal Employment Opportunity Commission (EEOC)  
303 East 17th Avenue Suite 410  
Denver, CO 80203  
Main Number: 303-866-1344 Email: [info@eoc.gov](mailto:info@eoc.gov)  
Website: [www.eoc.gov](http://www.eoc.gov)

WV Dept. of Employment Labor Standards Division (WFEP)  
1510 East Pershing, Suite 150  
Cheyenne, WY 82002  
Main Number: 307-777-7261 Website:  
<http://www.wyomingworkforce.org/Pages/default.aspx>

### Equal Pay Act of 1963 (Most Employers are Covered)

Sex Based Wage Discrimination

Protects Men and Women

Refer to EEOC

### Title VII of the Civil Rights Act of 1964 (15 or more employees)

<b>Race</b>	◆ Prohibits Harassment on any covered basis
<b>Color</b>	◆ Prohibits pregnancy discrimination
<b>Sex</b>	◆ Prohibits discrimination in any aspect of employment
<b>National Origin</b>	◆ Requires employers to provide religious accommodations unless the employer shows an "undue hardship"
<b>Religion</b>	◆ Retaliation includes participation in a proceeding or opposing discrimination
<b>Retaliation</b>	◆ Prohibits policies or practices that have the effect of discrimination against individuals because of race, color, national, origin, religion or sex. Examples may include applicant tests, background checks, "no facial hair" policies height requirements and others.

Refer to EEOC or WFEP

Sexual Harassment, less than 15 employees - refer to WFEP

National Origin Discrimination, less than 15 employees - Refer to U.S. DOJ - Civil Rights Division 1-800-255-7688

Citizenship Discrimination/1-9 E-Verify Issues - Refer to U.S.D.OJ - Civil Rights Division 1-800-255-7688

#### Age Discrimination In Employment Act of 1967 20+ employees

Prohibits discrimination based on age (40 and older)  
Retaliation protections apply regardless of age

Refer to EEOC or WFEP - 20 or more employees  
Refer to WFEP-fewer than 20 employees

Genetic Information Nondiscrimination Act of 2008  
15+ employees

Prohibits use of genetic information in employment decisions and restricts acquisition of genetic information (Genetic Information includes Family Medical History)

Refer to EEOC

#### Americans with Disabilities Act of 1990 Americans with Disabilities Act Amendments Act 2008 15+ Employees

- ◆ Reasonable Accommodations must be provided to applicants and employees with disabilities unless "undue hardship"
- ◆ Persons covered include those with a disability, a record of a disability, perceived to have a disability and association with someone with a disability
- ◆ Limits medical inquiries and requires confidentiality

Refer to EEOC or CCRD - 15 or more employees  
Refer to WFEP - fewer than 15 employees